



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/749,395	12/28/2000	Adel Asseh	0104-0317P

2292

BIRCH STEWART KOLASCH & BIRCH  
8110 GATEHOUSE ROAD  
SUITE 500 EAST  
FALLS CHURCH, VA 22042



CONFIRMATION NO. 5525

## FORMALITIES LETTER



\*OC000000005773433\*

Date Mailed: 02/16/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Technology Center 2600

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PATENT  
0104-0317P

#6 Small Entity  
2600

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: ASSEH, Adel et al.

Appl. No.: 09/749,395

Group: Unassigned

Filed: December 28, 2000

Examiner: Unassigned

For: CHANNEL BALANCING OF A WAVELENGTH DIVISION  
MULTIPLEXED OPTICAL SIGNAL

**ASSERTION OF SMALL ENTITY STATUS**

Assistant Commissioner for Patents  
Washington, DC 20231

**May 8, 2001**

Sir:

The above-identified application qualifies for small entity status. This written assertion of small entity status should satisfy the requirements of 37 C.F.R. § 1.27.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By James M. Slattery <sup>Reg. No.</sup> 52,380  
James M. Slattery, #28,380  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

JMS:lms  
0104-0317P

*Section 7#3*

**BOX MISSING PARTS**  
PATENT  
0104-0317P

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: ASSEH, Adel et al.

Appl. No.: 09/749,395

Filed: December 28, 2000



Group: Unassigned

Examiner: Unassigned

For: CHANNEL BALANCING OF A WAVELENGTH DIVISION  
MULTIPLEXED OPTICAL SIGNAL

**THIS IS NOT A NEW PATENT APPLICATION**

LETTER SUBMITTING DOCUMENTS  
FOR COMPLETION OF AN APPLICATION  
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, DC 20231

**March 9, 2001**

Sir:

The application papers for the above-identified application were originally filed on December 28, 2000 and the application was assigned Appl. No. 09/749,395.

**DOCUMENTATION**

- ☒ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) (☒ original ☐ photocopy), necessary for completing the filing requirements in connection with the above-identified application.
- ☐ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark office on, including any amendments thereto (if applicable) filed on even date therewith.

- ☒ The undersigned hereby declares that "Attorney Docket No. **0104-0317P** on page 1 of the attached inventors' Declaration, corresponds to Appl. No. **09/749,395**, filed **December 28, 2000**, entitled "**CHANNEL BALANCING OF A WAVELENGTH DIVISION MULTIPLEXED OPTICAL SIGNAL.**"
- ☐ Attached are \_\_\_\_\_ ( ) sheet(s) of formal drawings.
- ☒ Attached is a copy of the Notice to File Missing Parts of Non-provisional Application.
- ☐ Attached is an English language translation of the above-identified application that was filed in a foreign language.
- ☐ See the attached Translator's Verification; or
- ☐ The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- ☒ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☒ Submitted concurrently herewith **under separate cover** for recording is an Assignment.

#### **FEES**

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

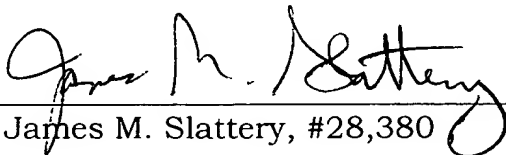
- ☐ Basic Filing Fee(s): \$0.00 (37 C.F.R. § 1.16(a)-(d))
- ☒ The Government Filing Surcharge under 35 U.S.C. § 1.16(e)) for late filing of filing fee, oath and/or declaration:
- ☒ Large Entity - \$130.00
- ☐ Small Entity - \$ 65.00)
- ☐ The Government Filing Surcharge under 37 C.F.R. § 1.17(k)) for filing of translation of non-English Specification in the amount of \$130.00:

- ☐ was previously paid for concurrently with the filing of the application on .
- ☐ is attached hereto.
- ☐ No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.
- ☐ Applicant hereby respectfully petitions for a ( ) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.
- ☒ A check in the amount of **\$130.00** to cover the basic filing fee(s), surcharge fee(s), and any extension of time fees (if applicable) is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
James M. Slattery, #28,380

JMS/lms  
0104-0317P

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Attachments